

§ 166.207 What provisions will be contained in a permit?

A permit, at a minimum, must include:

- (a) Authorized user(s);
- (b) Conservation plan requirements;
- (c) Prohibition against creating a nuisance, any illegal activity, and negligent use or waste of resources;
- (d) Numbers and types of livestock allowed;
- (e) Season(s) of use;
- (f) Grazing rental payment, payment schedule, and late payment interest and penalties;
- (g) Administrative fees;
- (h) Tribal fees, if applicable;
- (i) Payment method;
- (j) Range unit number or name;
- (k) Animal identification requirements;
- (l) A description (preferably a legal description) of the permitted area;
- (m) Term of permit (including beginning and ending dates of the term allowed, as well as any option to renew, extend or terminate);
- (n) Conditions for making improvements, if any;
- (o) A right of entry by the BIA for purposes of inspection or enforcement purposes;
- (p) A provision concerning the applicability of tribal jurisdiction;
- (q) A provision stating how trespass proceeds are to be distributed; and
- (r) A provision for the permittee to indemnify the United States and the Indian landowners against all liabilities or costs relating to the use, handling, treatment, removal, storage, transportation, or disposal of hazardous materials or the release or discharge of any hazardous material from the permitted premises that occur during the permit term, regardless of fault.

§ 166.208 How long is a permit term?

- (a) The duration must be reasonable given the purpose of the permit and the level of investment required by the permittee to place the property into productive use.
- (b) On behalf of the undetermined heirs of an individual Indian decedent owning 100 percent (%) interest in the land, we will grant or approve permits for a maximum term of two years.

(c) Permits granted for agricultural purposes will not usually exceed ten years. A term longer than ten years, but not to exceed 25 years unless authorized by other federal law, may be authorized when a longer term is determined by us to be in the best interest of the Indian landowners and when such permit requires substantial investment in the development of the lands by the permittee.

(d) A tribe may determine the duration of permits composed entirely of its tribal land or in combination with government land, subject to the same limitations provided in paragraph (d) of this section.

(e) A permit will specify the beginning and ending dates of the term allowed, as well as any option to renew, extend, or terminate.

(f) Permits granted by us for protection of the Indian land will be for no more than two years.

§ 166.209 Must a permit be recorded?

A permit must be recorded in our Land Titles and Records Office which has jurisdiction over the land. We will record the permit immediately following our approval under this subpart.

§ 166.210 When is a decision by the BIA regarding a permit effective?

Our decision to approve a permit will be effective immediately, notwithstanding any appeal which may be filed under Part 2 of this title. Copies of the approved permit will be provided to the permittee and made available to the Indian landowners upon request.

§ 166.211 When are permits effective?

Unless otherwise provided in the permit, a permit will be effective on the date on which the permit is approved by us. A permit may be made effective on some past or future date, by agreement, but such a permit may not be granted or approved more than one year prior to the date on which the permit term is to commence.

§ 166.212 When may a permittee take possession of permitted Indian land?

The permittee may take possession of permitted Indian land on the date